**Section 245.330 Permit Modifications**

a) Except for the actions allowed pursuant to Section 245.320(e), actions that materially deviate from the original permit require the permit to be modified prior to being conducted. *No permit issued under this* Part *may be modified without approval of the Department* pursuant to this Section (Section 1-55(c) of the Act).

b) Applications for permit modification shall be made on a Department permit application form and shall specifically identify the applicant, the well, and each proposed deviation to the original permit.

1) Sections of a permit modification application that do not affect or change terms or conditions of, or information on, the original permit are not required to be completed, other than that information necessary to identify the applicant, operator, well site and well. All sections of a permit modification application that are not completed will be considered to incorporate the original permit (and original permit application) as the content of the permit modification application for those sections.

2) *Each* permit modification *application submitted under this* Part *shall be signed, under the penalty of perjury, by the applicant or the applicant's designee who has been vested with the authority to act on behalf of the applicant and has direct knowledge of the information contained in the* permit modification *application and its attachments*. *Any person signing a* permit modification *application shall also sign an affidavit with the following certification*:

3) *"I certify, under penalty of perjury as provided by law and under penalty of refusal, suspension, or revocation of a high volume horizontal hydraulic fracturing permit, that this application and all attachments are true, accurate, and complete to the best of my knowledge."* (Section 1-35(f) of the Act)

c) The permit modification application for a significant deviation shall be accompanied by a non-refundable fee of $13,500 as set forth in Section 245.210, and shall be reviewed and approved or rejected with all the opportunities for notice, comment and hearing required under Sections 1-45 and 1-50 of the Act and Sections 245.240 through 245.270 of this Part as if it were a completely new permit application under the permit application procedures set forth in this Part. The applicant shall confer with the Department prior to filing the application for modification so as to coordinate scheduling. Examples of permit modifications that are considered significant deviations are those that propose to:

1) move the horizontal well bore more than 50 feet in any direction or extend or add to any dimension of the horizontal well bore;

2) add a new horizontal well bore or bores;

3) make any change such that any person or entity who did not receive specific notice of the original application would receive notice if the proposed modification application were a new permit application;

4) materially alter any part of any plan submitted to the Department with the original application, including but not limited to:

A) moving the vertical part of the well more than 50 feet;

B) substantially moving, extending or adding to the well site;

C) any material alteration of plans for containment or storage, transportation of materials (including produced hydrocarbons) to or from the well site, or management of emissions if the alteration results in an increase in emissions, venting or flaring; or

5) request relief from any condition imposed upon or attached to the original permit.

d) *If the Department*, after receipt of an application for modification, *determines that* a permit *modification* presents a possible serious risk to public safety, *public health, life, property, aquatic life, wildlife,* or the environment (Section 1-55(c) of the Act), and the application is not already being treated as one for modification representing a significant deviation, the Department shall inform the applicant. The applicant, if it wishes to proceed with the application for modification, shall pay a non-refundable fee totaling $13,500 (after credit for any payment for insignificant modification already tendered) as set forth in Section 245.210. The application shall be reviewed and approved or rejected with all the opportunities for notice, comment and hearing required under Sections 1-45 and 1-50 of the Act and Sections 245.240 through 245.270 of this Part as if it were a completely new permit application under the permit application procedures set forth in this Part. The applicant shall confer with the Department after notification of this procedure so as to coordinate scheduling.

e) All other permit modification applications may be filed as an insignificant permit deviation and accompanied by a non-refundable $5,000 permit modification fee. However, the Department has the discretion to determine that the permit modification is a significant deviation based on the content of the application. The permit modification application for insignificant permit deviation shall be reviewed and approved or rejected under the following procedures:

1) The Department's record of decision shall include the original permit record of decision, information provided by the application for permit modification pursuant to subsection (b), and any other additional information provided by the permittee in response to requests by the Department. The Department shall provide a copy of the modification application to any of the entities entitled to receive notice in Section 245.240 (the Agency, the Office of the State Fire Marshal, Illinois State Water Survey, and Illinois State Geological Survey) if it proposes to modify a plan they received under Section 245.240.

2) The Department shall approve or reject the proposed insignificant permit modifications within 30 days after receipt of the permit modification application based on the requirements of Section 245.300(c). The Department's decision to approve or reject the proposed insignificant permit modifications shall be considered a final administrative decision subject to judicial review under the Administrative Review Law and the rules adopted under that Law.

3) Approval of an insignificant permit modification shall result in a modified permit that shall be considered a permit under this Part and, therefore, subject to all conditions and requirements for permits under the Act and this Part.

4) The Department shall, by U.S. Mail and electronic transmission, provide the applicant with a copy of the modified permit as issued or its final administrative decision rejecting the modification request.

5) The applicant shall, by U.S. Mail or electronic transmission, provide a copy of the modified permit as issued to any person or unit of local government who received specific public notice under Section 245.250 or participated in any public hearing under Section 245.270 for the original permit or any significant modifications of that permit. The applicant shall notify the Department within 30 days after receipt of the modified permit that it has complied with this subsection (e)(5).

6) Following completion of the Department's review and approval process, the Department's website shall indicate whether an individual high volume horizontal hydraulic fracturing permit modification was approved or denied and provide a copy of the approval or denial.

7) The complete record shall be maintained and shall be accessible to the public on the Department's website at least until final release of the applicant's bond.

f) If the Department determines that an application for an insignificant deviation in subsection (e) is a significant deviation based on the content of the application, the Department shall notify the applicant and the applicant shall be required to increase the non-refundable application fee to $13,500 as set forth in Section 245.210. Once the full application fee is received, the permit modification application shall be reviewed and approved or rejected as if it were a completely new permit application under the permit application procedures set forth in this Part.